

# **EXHIBIT D**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

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PAMELA S. SILVEY AND :  
KENNETH E. SILVEY, :  
PLAINTIFFS, :  
-VS- : CASE NO. C-1-01-164  
SMITHKLINE BEECHAM :  
CORPORATION, :  
DEFENDANT. :

- - -

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

- - - - -

IN RE PHENYLPROPANOLAMINE (PPA) :  
PRODUCTS LIABILITY LITIGATION : MDL NO. 1407

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Deposition of LAURA R. SAUERBECK, R.N., a  
witness herein, taken by the defendant as upon  
cross-examination pursuant to the Federal Rules of  
Civil Procedure and pursuant to Notice to Take  
Deposition and Subpoena Duces Tecum duly issued

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1 and served, and stipulations hereinafter set forth  
2 at the Cincinnati Marriott Rivercenter, 10 West  
3 Rivercenter Boulevard, Covington, Kentucky, at  
4 2:32 p.m. on Thursday, March 13, 2003, before Lois  
5 A. Roell, RMR, a notary public within and for the  
6 State of Kentucky, and also by audiovisual means  
7 before Susan M. Sharp.

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1 APPEARANCES:

2 On behalf of the Plaintiffs:

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4 and

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6 of

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1 be possible for us to speak with that person and  
2 ask them would they be willing to be interviewed?"  
3 And then they had an opportunity to say yes or no.

4 Q. So the proxy was intended to help  
5 you confirm the information that you were  
6 obtaining from the patient that you had  
7 interviewed?

8 A. They were looking at the usefulness  
9 of using proxies.

10 Q. Okay. Now, with respect to  
11 Mrs. Silvey, in response to the subpoena, were you  
12 able to determine whether in fact you interviewed  
13 Mrs. Silvey during her hospitalization at Good  
14 Samaritan Hospital in the first two months of  
15 1998, January and/or February of 1998?

16 A. Let's see, according to this it  
17 looks -- that is my code -- that I interviewed her  
18 on, it looks like February 13th of 1998.

19 MS. ABARAY: I'm sorry, did you say  
20 it is or it isn't?

21 THE WITNESS: It is my code.

22 MS. ABARAY: Thank you.

23 BY MR. TUCKER:

24 Q. And your code is number 303?

1 person from the subject, and if it's not from the  
2 subject, then we indicate who it's from.

3 Q. Okay. Let me just correct the  
4 question so that the objection is removed.

5 Would you please tell us where the  
6 information comes from that is used to fill out  
7 Form 2C.

8 A. This particular form, it says  
9 "Case," so it would have come from the person I  
10 was interviewing, and it also says "Proxy stated,"  
11 so it would also have come from the proxy.

12 Q. Is this information that you  
13 yourself obtained from the case and from the proxy  
14 and then wrote down on Form 2C and filled out?

15 A. Yes.

16 Q. Would you please read to us what you  
17 wrote down in information that you obtained both  
18 from the case and from the proxy under the  
19 symptoms.

20 A. "Case doesn't remember feeling ill  
21 on 1/15/1998. Left for work at approximately 6  
22 a.m. Was smoking a cigarette and drinking coffee  
23 at time. That's the last thing that case  
24 remembers. Proxy stated that the case had not

1 complained of feeling ill on 1/15/98.  
2 Approximately 45 minutes after the case had left  
3 for work, he found her van in a ditch with slight  
4 damage. Case was restrained by seat belt and  
5 unresponsive."

6 Q. Now, there is a subject interview  
7 questionnaire form that you would have filled out  
8 in the course of interviewing Mrs. Silvey; am I  
9 right about that?

10 A. Correct.

11 Q. Am I right to understand that that's  
12 what's called Form 04?

13 A. Yes.

14 Q. And do you have Form 04 in front of  
15 you?

16 A. Yes.

17 Q. Would you please tell us is that  
18 your handwriting?

19 A. Yes.

20 Q. And it says person completing form,  
21 303, that's your number?

22 A. Uh-huh.

23 Q. And it says that the date of the  
24 interview was February 13, 1998; is that right?

1 A. Yes.

2 Q. Does it give a time?

3 A. 9:30 a.m.

4 Q. Okay. In the course of the  
5 interview, would you explain to the case or to the  
6 patient, the subject, what the interview was  
7 about, why you were conducting it?

8 A. Well, we first would approach the  
9 case, we had a script to go for -- go by, and  
10 that's on Form 03C.

11 Q. And generally would you tell us what  
12 that script was that you would tell the patient.

13 A. It says, "Hello, my name is," and I  
14 would introduce myself. "I am working with the  
15 Hemorrhagic Stroke Project. This is a research  
16 study designed -- or excuse me, this is a research  
17 study investigating the causes of stroke in young  
18 people. This study is being conducted from Yale  
19 University School of Medicine," and in parentheses  
20 it says "in Connecticut, and we are visiting  
21 patients at 43 hospitals nationwide, including,"  
22 and I would say "Good Samaritan Hospital. Your  
23 doctor, Dr. VanLoveren, has given us permission to  
24 talk with you. Is this a good time to speak with



1     you?" And then we would go on. It says, "The  
2     goal of the study is to understand better the  
3     causes of stroke in young people," and then we  
4     would validate some information.

5             Q. And with respect to Mrs. Silvey, did  
6     you validate that information?

7             A. Yes. We validated her date of  
8     birth, and then before the submission we asked if  
9     they've ever been diagnosed with a stroke or a  
10    mini-stroke, sometimes called a transient ischemic  
11    attack or TIA. And if they said yes, then we  
12    would probe what kind of stroke did they have. If  
13    they answered correctly to this, they were  
14    eligible to participate, and then we would read  
15    on, and it says, "Good, since you are eligible, I  
16    would like you to participate in our study. If  
17    you choose not to participate, that will have no  
18    effect in your relationship with your doctor or  
19    this hospital. If you do agree to participate, I  
20    will ask you a series of questions about your  
21    medical history and medications you may have  
22    recently taken. This interview should take only  
23    about 30 to 45 minutes of your time and can be  
24    done at a time of your choice. If you do agree to

1 headache.

2 Q. And then after finding, getting nos  
3 to all of those questions, what's the next  
4 question you asked?

5 A. "Now I would like you to try to  
6 recall any medications you may have used during  
7 this time period. Please look at the calendar  
8 again and take a minute to think about any other  
9 medications or drugs you may have taken on the  
10 index date or on the three days before that date  
11 or at any time during these two weeks. We are  
12 interested in any medication you may have taken,  
13 including those prescribed by a doctor or that you  
14 bought over-the-counter."

15 Q. And what did she answer to that?

16 A. She -- I have none recalled. So I  
17 don't know what her exact words were but --

18 Q. She answered -- What were the  
19 choices that she could have given you?

20 A. She could have listed any  
21 medications that she recalled.

22 Q. You circled here none recalled?

23 A. Uh-huh.

24 Q. With respect to illness symptoms and

1 medication use, did you have other questions that  
2 you asked her?

3 A. I guess you're asking about the same  
4 section of the questionnaire?

5 Q. Yes. Did you go on from that last  
6 question?

7 A. Right.

8 Q. And were there additional questions  
9 about specific medications?

10 A. Yes.

11 Q. And what was that question?

12 A. "Now I would like to review some  
13 specific medications you may have taken during  
14 this time period. Did you take," and then I would  
15 ask, aspirin, get a response; then I would go on  
16 to acetaminophen and give an example, such as  
17 Tylenol; anti-inflammatories, such as Advil,  
18 Motrin, Naprosyn, or Feldene; blood thinners, such  
19 as Coumadin; asthma medications, an inhaler,  
20 Theophylline, or Prednisone; medications for  
21 depression, such as Marplan, Nardil, or Parnate;  
22 or hemorrhoidal preparations.

23 Q. And her answer for all of those  
24 questions as to those medications being taken or

1 not was what?

2 A. No.

3 Q. She had not taken them?

4 A. That's what this indicates.

5 Q. With respect to the questionnaire,  
6 were there questions asked about other types of  
7 either caffeine use, alcohol use, other medical  
8 conditions?

9 A. There were questions about caffeine  
10 use, alcohol use, tobacco use, street drug use,  
11 which was prior to that, weight and eating  
12 behaviors, family history, medical history,  
13 gynecological history, socioeconomic information.

14 Q. And with respect to those questions,  
15 you just leafed through the pages, did you find  
16 that she answered all of your questions and you  
17 noted the answers to the questions?

18 A. It will take me a minute to see if  
19 she answered all.

20 MS. ABARAY: Objection, overbroad,  
21 vague. The document speaks for itself.

22 A. There is one question she did not  
23 answer or she answered with a don't know, and that  
24 is the question about the household income.

1           A.     The patient can discuss almost  
2     everyday problems with little or no assistance.  
3     Reduction of speech and/or comprehension, however,  
4     makes conversation about certain material  
5     difficult or impossible.

6           Q.     And you rated her at a 4; is that  
7     correct?

8           A.     That's what that definition was,  
9     yes.

10          Q.     Did you find that there was any  
11     language difficulty during the course of the  
12     interview?

13                 MS. ABARAY:  Objection.  Are you  
14     asking for her recollection or what's in the  
15     document?

16          Q.     Okay, let me rephrase the question  
17     to address counsel's objection.

18                 Did you rate her language ability  
19     during the interview?

20          A.     Yes.

21          Q.     And what did you rate it as?

22          A.     Her language ability on the subject  
23     during interview is no language problem.

24          Q.     Did you rate your confidence in the

1 ability of Mrs. Silvey to give you an accurate  
2 history?

3 A. Yes, I did.

4 Q. Okay. And what did you rate  
5 Mrs. Silvey in terms of your confidence, having  
6 just completed the interview, in her ability to  
7 give you an accurate history?

8 A. Confident.

9 Q. Were you asked as a part of the  
10 interviewer observations whether the interview was  
11 completed?

12 A. Yes.

13 Q. And what did you say?

14 A. Yes.

15 Q. And were you asked whether there was  
16 little or no missing information?

17 A. Yes.

18 Q. And what did you say?

19 A. I circled the response for yes,  
20 interview completed with little, in parentheses,  
21 less than one-tenth or no missing information.

22 Q. Following up the interview of  
23 Mrs. Silvey, did you have occasion to interview  
24 her husband, Kenneth Silvey?

1 A. Yes.

2 Q. And when did you interview

3 Mr. Silvey?

4 A. February 14th, 1998.

5 Q. And do you have a time that the  
6 interview was conducted?

7 A. 10:05 a.m. it started.

8 Q. And did you do this in a  
9 face-to-face interview?

10 A. Wait a second here. Yes. It says  
11 subject's home.

12 Q. So you would have done this  
13 interview of Mr. Silvey at his home?

14 A. Yes.

15 Q. During the course of the interview  
16 of Mr. Silvey you also filled out a questionnaire?

17 A. Yes.

18 Q. And the questionnaire records his  
19 responses to you of the questions that you asked  
20 about his wife?

21 A. Correct.

22 Q. Would you tell us, did you ask  
23 about, Mr. Silvey any questions about whether his  
24 wife had had any illness in the weeks leading up

1 to her stroke?

2 A. I asked specific questions, "First I  
3 would like to ask you about some common illness  
4 symptoms. Do you recall," I would have inserted  
5 her name, "having a cough anytime during this  
6 two-week period?" And I would also have asked  
7 about the runny nose, nasal congestion, sore  
8 throat, and headache.

9 Q. So we understand, then, you would  
10 have specifically asked Mr. Silvey do you recall  
11 your wife, Mrs. Silvey, having a cough at any time  
12 during the two weeks before her stroke, that's the  
13 question you would have asked?

14 A. Do you recall, and I would have  
15 probably said Pam or Pamela, having a cough at any  
16 time during this two-week period.

17 Q. What did he -- And the two-week  
18 period is when?

19 A. The two-week period is the index  
20 date and the two weeks prior to the period of the  
21 index date as indicated on the calendar.

22 Q. And what did he say to that?

23 A. No.

24 Q. What did he say when you asked the



1 question about whether he recalled her having a  
2 runny nose?

3 A. No.

4 Q. What about, what did he answer to  
5 you when you asked the question about nasal  
6 congestion?

7 A. No.

8 Q. What about sore throat?

9 A. No.

10 Q. Or headache?

11 A. No.

12 Q. Did Mr. Silvey indicate that his  
13 wife or recall that his wife had taken any  
14 medication during that two-week period of time?

15 A. This indicates that none was  
16 recalled.

17 Q. During the course of your interview  
18 of Mr. Silvey, did you ask him questions similar  
19 to the questions that you had asked Mrs. Silvey in  
20 the hospital about caffeine use, alcohol use,  
21 tobacco use, and medical history?

22 A. Yes.

23 Q. Did he answer all of your questions?

24 A. He didn't know the response to

1 whether or not she had taken any acetaminophen  
2 such as Tylenol in the time period indicated. He  
3 did not know the date that her last menstrual  
4 period -- the actual day that her last menstrual  
5 period had started.

6 Q. Was he able to give you the month?

7 A. He indicates 12 of 1997.

8 Q. Okay. Any other information that he  
9 was not able to provide to you based upon the  
10 questionnaire?

11 A. Not that I see.

12 Q. Upon completing his questionnaire  
13 did you also fill out an interviewer observation  
14 form for the questions?

15 A. Yes.

16 Q. And how did you rate your confidence  
17 in the ability of Mr. Silvey to give you an  
18 accurate history regarding his wife?

19 A. Confident.

20 Q. Was there any language difficulty  
21 during the course of the interview?

22 A. No.

23 Q. Was the interview -- Did you note  
24 whether the interview was completed?

1 A. Pamela Silvey.

2 Q. Would you and Dr. Broderick have  
3 authored this letter together, is that why you  
4 both signed it?

5 A. I don't remember who authored it  
6 truthfully.

7 Q. Okay. But you signed it as one of  
8 the hemorrhagic stroke study study coordinators;  
9 is that right?

10 A. Correct.

11 Q. Am I right to understand,  
12 Mrs. Sauerbeck, that the purpose of this letter  
13 was in part to update patients on the preliminary  
14 results of the hemorrhagic stroke study that had  
15 been carried out in the Greater Cincinnati area as  
16 well as in the hospitals elsewhere around the  
17 country?

18 A. Yes.

19 Q. And you go on to say what the  
20 primary purpose of the study was. Would you read  
21 that into the record for us, please, what the  
22 primary study of the study was.

23 A. This states that "The primary  
24 purpose of this study was to evaluate whether the

1 use of phenylpropanolamine, a medication found in  
2 appetite suppressants and in some cough/cold  
3 preparations, may be associated with the  
4 development of a brain hemorrhage."

5 Q. And why don't you read for the  
6 record, please, just that next sentence.

7 A. "As you recall, detailed questions  
8 about medications were asked at the time you were  
9 evaluated and similar questions were asked of  
10 persons in the community of similar age, gender,  
11 race who did not have a hemorrhage."

12 Q. And then the letter goes on to speak  
13 about an article that was under review by the New  
14 England Journal of Medicine and then actions being  
15 reviewed by the FDA; am I right about that?

16 A. Yes.

17 Q. Now, we've marked as Exhibit 2 the  
18 notebook of information that you have in front of  
19 you there, and that notebook contains the  
20 questionnaires and the responses for Mr. and Mrs.  
21 Silvey that we've just gone through --

22 A. Yes.

23 Q. -- am I right about that? The  
24 questionnaires that were filled out by you after

1 interviewing Mrs. Silvey does not indicate that  
2 she was taking any medication at the time of the  
3 index event; am I right about that?

4 A. Yes.

5 Q. Or the two weeks before; am I right?

6 A. Yes.

7 Q. The interview of her proxy,  
8 Mr. Silvey, does not show that she had been taking  
9 any medication in the two weeks preceding the  
10 index event; am I right about that?

11 A. Yes.

12 Q. This letter, Exhibit 3, when it was  
13 sent to Mrs. Silvey, was not being sent to her  
14 because she had taken medication containing PPA  
15 prior to her stroke, was it?

16 MS. ABARAY: Objection, leading.

17 Q. That was not the purpose of the  
18 letter?

19 MS. ABARAY: Leading.

20 A. The purpose was to inform them of  
21 the results of the study that they participated  
22 in.

23 Q. But someone receiving this letter  
24 was not supposed to believe that they had actually

1 A. Correct.

2 Q. Based upon the questionnaire and the  
3 information that was obtained from Mrs. Silvey,  
4 she gave you information that would conclude that  
5 she was an unexposed case for the study, correct?

6 MS. ABARAY: Objection, leading.

7 A. I was not involved with the analysis  
8 or making those determinations. My involvement  
9 was to ask the questions.

10 Q. But the information that she gave  
11 you did not indicate an exposure to PPA?

12 A. It did not indicate that she was on  
13 any medications.

14 Q. Okay. And the proxy confirmed that,  
15 her husband confirmed that in his interview,  
16 correct?

17 MS. ABARAY: Objection, leading.

18 Q. Let me rephrase the question. Did  
19 her husband confirm his wife's responses?

20 MS. ABARAY: Objection.

21 A. I didn't ask him about his wife's  
22 responses. I asked him his -- what he remembered.

23 Q. And were they consistent from the  
24 standpoint that he did not recall her taking

1 medication?

2 A. Yes.

3 Q. Now, you and I have never met  
4 before, just before we started this about 50  
5 minutes ago; am I right about that?

6 A. Not that I recall.

7 Q. You know that Mrs. Silvey is being  
8 represented by Mrs. Abaray?

9 A. Yes.

10 Q. And you have met Mrs. Abaray before;  
11 am I right about that?

12 A. Yes.

13 Q. Did you know before today that  
14 Mrs. Abaray was representing Mrs. Silvey in this  
15 case?

16 A. Not until I received a subpoena.

17 Q. That was the first time that you  
18 learned that Mrs. Abaray was representing  
19 Mrs. Silvey?

20 A. That's the first time I learned  
21 anything about this particular lawsuit.

22 Q. Okay. Finding out that Mrs. Abaray  
23 was representing Mrs. Silvey, did you have an  
24 opportunity to speak to her about the claim that's

1 Q. Okay. Would you tell us what  
2 hospital?

3 A. Good Samaritan Hospital.

4 Q. And does it provide you with  
5 information as to it being a trauma admission  
6 history and physical?

7 A. Correct.

8 Q. Would you tell us, please, what does  
9 it say with respect to medications?

10 A. None.

11 Q. Do you have any information other  
12 than the questionnaire information you obtained  
13 directly from Mrs. Silvey, the questionnaire  
14 information you received directly from Mr. Silvey,  
15 or these medical records which would suggest or  
16 provide evidence that Mr., that Mrs. Silvey, I'm  
17 sorry, was using medication in the period of time  
18 shortly prior to her stroke?

19 A. I do not.

20 MR. TUCKER: Thank you very much.  
21 Nothing further.

22 MS. ABARAY: Thank you,  
23 Ms. Sauerbeck, I would just like to follow up if I  
24 could very quickly. I'm sorry that we're imposing



1 Mrs. Silvey or Mr. Silvey and say do you remember  
2 taking Contact or Benadryl or --

3 A. No.

4 Q. -- DayQuil, you wouldn't show them  
5 products?

6 A. The only -- We didn't show products  
7 unless somebody had a positive response that they  
8 were taking a medication. If they did do that, we  
9 would try to do, what we would call product ID  
10 book to confirm that it was indeed that  
11 medication. In addition, after the interview we  
12 would also ask to see or get information off of  
13 any packaging a person may have had.

14 Q. And is the reason that you avoid  
15 showing those types of things because it might  
16 refresh memory and you didn't want to get involved  
17 in that?

18 MR. TUCKER: Objection to  
19 refreshing memory.

20 A. I just -- That was part of our  
21 protocol, we were instructed not to do that.

22 Q. All right. Although you said you  
23 don't have a specific recollection of Ms. Silvey,  
24 you had an opportunity to look at some of the

1 Q. And February 19th of 1998, how does  
2 that compare to the date that you performed the  
3 interview of Ms. Silvey?

4 A. Five days.

5 Q. So five days after you completed  
6 your interview of Ms. Silvey, Dr. Wunder concluded  
7 that she had cognitive impairment?

8 A. That's what it states under  
9 impression, yes.

10 MS. ABARAY: Thank you. I have no  
11 further questions, Ms. Sauerbeck.

12 FURTHER CROSS-EXAMINATION

13 BY MR. TUCKER:

14 Q. Ms. Sauerbeck, in conducting the  
15 interview of Mrs. Silvey and in filling out the  
16 questionnaire, asking her the questions, listening  
17 to her responses, did you determine that she was  
18 cognitively impaired and incapable of answering  
19 the questions in the questionnaire?

20 MS. ABARAY: Objection, compound.

21 A. Based on the screening, which was  
22 our criteria to say whether or not somebody could,  
23 was cognitive enough, she passed the test, and so  
24 she was acceptable to be interviewed.

1 Q. So you did not determine for  
2 purposes of filling out the questionnaire and  
3 answering your questions, you did not determine  
4 her to be cognitively impaired, correct?

5 MS. ABARAY: Objection.

6 A. It's not my responsibility to  
7 determine cognitive impairment.

8 Q. But in terms of passing the  
9 screening cognitive standards, she did?

10 A. The cognitive evaluation was  
11 acceptable, yes.

12 Q. Okay. Now, Mrs. Abaray asked you  
13 about a product identification book --

14 A. Yes.

15 Q. -- that would be used during the  
16 course of your interview and filling out the  
17 questionnaire; do you remember that she asked you  
18 about that?

19 A. Yes.

20 Q. And there was a product  
21 identification book, correct?

22 A. Correct.

23 Q. And am I right to understand that  
24 the product identification book was not shown to

1 Mrs. Silvey?

2 A. I cannot recall the specific  
3 interview, but unless somebody listed a  
4 medication, the product ID book was not shown.

5 Q. And she didn't indicate that she had  
6 taken any medication, correct?

7 A. Correct.

8 Q. And her husband didn't indicate that  
9 she had taken any medication, correct?

10 A. Correct.

11 MR. TUCKER: The Court told us that  
12 we had an hour to ask you questions, we've taken a  
13 little bit more of your time than that, so I will  
14 stop at this point. Thank you very much.

15 MS. ABARAY: Thank you. Could I  
16 just ask one more quick question.

17 FURTHER EXAMINATION

18 BY MS. ABARAY:

19 Q. Looking back at Form 2, which is the  
20 case evaluation form.

21 A. Yes.

22 Q. There's a column for yes, no, and  
23 then NM; do you see that?

24 A. Not mentioned.

## C E R T I F I C A T E

STATE OF KENTUCKY :

: SS

STATE AT LARGE :

I, LOIS A. ROELL, RMR, the undersigned, a  
duly qualified and commissioned notary public  
within and for the State of Kentucky, do hereby  
certify that before the giving of her aforesaid  
deposition, the said LAURA R. SAUERBECK, R.N., was  
by me first duly sworn to tell the truth, the  
whole truth and nothing but the truth; that the  
foregoing is the deposition given at said time and  
place by the said LAURA R. SAUERBECK, R.N.; that  
said deposition was taken in all respects pursuant  
to Subpoena and Notice to Take Deposition; that  
said deposition was taken by me in stenotypy and  
transcribed by computer-aided transcription under  
my supervision; that the transcribed deposition is  
to be submitted to the witness for her examination  
and signature; that I am neither a relative of nor  
attorney for any of the parties to this cause, nor  
relative of nor employee for any of their counsel,  
and have no interest whatever in the result of the  
action.

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1 IN WITNESS WHEREOF, I hereunto set my  
2 hand and official seal of office at Cincinnati,  
3 Ohio, this day of , 2003.

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7 MY COMMISSION EXPIRES: LOIS A. ROELL, RMR  
8 SEPTEMBER 7, 2003. NOTARY PUBLIC-STATE OF  
9 KENTUCKY

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SPANGLER REPORTING SERVICES, INC.

PHONE (513) 381-3330 FAX (513) 381-3342

1 UNITED STATES DISTRICT COURT  
 2 SOUTHERN DISTRICT OF OHIO  
 3 WESTERN DIVISION

3 PAMELA S. SILVEY, :  
 4 AND KENNETH E. SILVEY, :  
 5 PLAINTIFFS, :  
 6 -VS- : CASE NO. C-1-01-164  
 7 SMITHKLINE BEECHAM :  
 8 CORPORATION, :  
 9 DEFENDANT. :  
 10 - - -

11 Lois A. Roell, RMR, a court reporter,  
 12 first duly cautioned and sworn, testifies and  
 13 affirms that LAURA R. SAUERBECK, R.N., a witness  
 14 herein, was notified that the transcript was ready  
 15 for review and signature on March 17, 2003, by  
 16 forwarding a copy of the transcript to Jason  
 17 Atkins, Esq.

18 Within thirty-one days (pursuant to Rule  
 19 (30)E of the Federal Rules of Civil Procedure),  
 20 LAURA R. SAUERBECK, R.N., a witness herein, did  
 21 not present signature of said deposition.

22 The original transcript is now being  
 23 tendered into the hands of Edward E. Taber, Esq.

24 Further affiant sayeth naught.

\_\_\_\_\_  
 Lois A. Roell, RMR

Sworn to me and subscribed in my presence this  
 day of , 2003.

\_\_\_\_\_  
 Susan M. Sharp  
 Notary Public: State of Ohio  
 My commission expires:  
 08/04/2004

SPANGLER REPORTING SERVICES, INC.

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